

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY C. HAITHCOX #207322,

Plaintiff,

Case No. 06-11756

v.

District Judge Arthur J. Tarnow
Magistrate Judge R. Steven Whalen

MARY GREINER, M.D., et al.,

Defendants.

ORDER STAYING CASE

Plaintiff originally filed his complaint *pro se*, but requested the appointment of counsel. On October 18, 2006, the Court granted the motion to appoint counsel, and stayed the case pending the procurement of *pro bono* counsel. On January 8, 2007, the Court appointed an attorney from the firm of Pepper Hamilton to represent the Plaintiff, and on January 22, 2007, attorney Abraham Singer filed an appearance. On June 30, 2008, Plaintiff requested a hearing regarding complaints about his attorney, including (1) there has been a breakdown in the attorney-client relationship; (2) there is a conflict of interest; and (3) there has been a breach of confidentiality. In lieu of granting an evidentiary hearing, the Court set forth a protocol to resolve the conflict between the Plaintiff and his attorney. *See* Docket #65. On August 20, 2008, the Court, persuaded that there had been a fundamental breakdown in the attorney-client relationship, vacated the order of appointment and permitted attorney Singer to withdraw.

It would be in the Plaintiff's interest, of course, to obtain new counsel, and the Court will endeavor to find another *pro bono* attorney. At the same time, in fairness to

both parties, this case, which was filed in 2006, needs to move toward resolution. I reiterate that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted). If the Plaintiff is again granted that privilege—and it is far from certain that the Court will be able to find counsel to take this case—he has a responsibility to work respectfully with his attorney and be willing, when necessary, to defer to the professional advice of counsel.

Therefore, this case is STAYED for a period of 45 days from the date of this Order, during which time the Court will attempt to find *pro bono* counsel for the Plaintiff. If the Court is unable to do so, then the order granting Plaintiff’s motion to appoint counsel [Docket #25] will be vacated, and the Plaintiff will proceed *pro se*.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 30, 2008.

s/G. Wilson
Judicial Assistant